

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #8	CCRB Case #: 202005547	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/07/2020 4:00 PM	Location of Incident: Midtown South Precinct stationhouse	Precinct: 14	18 Mo. SOL 2/7/2022	EO SOL 5/4/2022	
Date/Time CV Reported Fri, 08/07/2020 7:37 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 08/07/2020 7:37 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Pronab Adhikary	24176	968918	MTS PCT
3. POM Roberto Gomez	06769	952791	MTS PCT
4. POM Sean Crowley	28690	964466	013 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Alvarez	06478	960158	MTS PCT
2. POM Chris Algeria	04907	947968	MTS PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Pronab Adhikary	Force: Police Officer Pronab Adhikary tightly handcuffed § 87(2)(b)	
B.POM Roberto Gomez	Force: Police Officer Roberto Gomez tightly handcuffed § 87(2)(b)	
C.POM Sean Crowley	Force: Police Officer Sean Crowley pointed his gun at § 87(2)(b)	
D. Officers	Abuse: Officers took photographs/recordings of § 87(2)(b)	

Case Summary

On August 7, 2020, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On August 7, 2020, at approximately 4:00 p.m., § 87(2)(b) was arrested at § 87(2)(b) § 87(4-b), in Manhattan and charged with assault and harassment. PO Pronab Adhikary and PO Roberto Gomez of the Midtown South Precinct arrived at the location and transported § 87(2)(b) to the Midtown South Precinct stationhouse. At the stationhouse, PO Adhikary and PO Gomez allegedly squeezed § 87(2)(b) handcuffs tighter (**Allegations A and B: Force, § 87(2)(g)**). PO Sean Crowley allegedly pointed PO Adhikary's firearm at § 87(2)(b) and officers allegedly recorded § 87(2)(b) with their cellphones at the stationhouse (**Allegations C: Force, § 87(2)(g); Allegation D: Abuse of Authority, § 87(2)(g)**).

The investigation is in possession of PO Adhikary and PO Gomez's BWC footage; the other BWC videos did not capture the incident (Board Review 04 and 08). The investigation is not in possession of stationhouse footage.

Findings and Recommendations

Allegation (A) Force: Police Officer Pronab Adhikary tightly handcuffed § 87(2)(b)

Allegation (B) Force: Police Officer Roberto Gomez tightly handcuffed § 87(2)(b)

According to the arrest report, § 87(2)(b) and another individual were arguing and § 87(2)(b) pulled the person's hair causing the person's hair to be pulled out and was bleeding (Board Review 09). It was also noted that § 87(2)(b) bit the individual and injured the individual's right thumb.

In her initial CCRB statement, § 87(2)(b) stated that after she was placed in handcuffs, she was transported to the stationhouse. While at the stationhouse, she was brought in front of a desk (Board Review 01). § 87(2)(b) refused to provide her information to the officers and PO Adhikary and PO Gomez subsequently squeezed her handcuffs causing her to scream. In response, § 87(2)(b) struggled with PO Adhikary and PO Gomez in an attempt to loosen her handcuffs by dropping her body down and then standing back up. § 87(2)(b) told the officers to get off and that they did not have to squeeze her so hard.

PO Adhikary and PO Gomez stated that they responded to the location to help PO Chris Alegria and PO Joseph Alvarez transport § 87(2)(b) to the stationhouse after placing her under arrest (Board Review 02 and 03). In PO Adhikary's BWC footage, starting at 1:19, PO Alvarez escorts § 87(2)(b) into PO Adhikary and PO Gomez's police vehicle without difficulty (Board Review 04). Neither PO Adhikary nor PO Gomez appear to assist with placing § 87(2)(b) in the vehicle. PO Adhikary and PO Gomez subsequently transport § 87(2)(b) to the stationhouse. At 6:14, § 87(2)(b) exits the police vehicle without difficulty and PO Adhikary escorts her into the stationhouse. At 6:52, PO Gomez holds § 87(2)(b) from behind her (it is unclear where he is holding § 87(2)(b) in front of the desk. Starting at 12:53, PO Gomez places a face mask on § 87(2)(b) while PO Adhikary holds her left bicep. PO Gomez then steps behind § 87(2)(b) and holds her from behind (it is unclear where he is making contact). At 13:08, § 87(2)(b) says, "And he is making the handcuffs on my hands tighter." At 13:21, § 87(2)(b) says, "Get your hands off of the handcuffs then and stop making it tighter. At 13:23, PO Adhikary reaches his hand towards the back of § 87(2)(b) but it is unclear whether he makes physical contact with her handcuffs. § 87(2)(b) continues to complain that the handcuffs were being tightened. At 13:31, PO Adhikary tells § 87(2)(b) that the handcuffs are double locked and cannot be tightened. § 87(2)(b) continues to scream and complain that PO Gomez is squeezing her handcuffs. At 14:10,

§ 87(2)(b) settles down and stops saying that her handcuffs were being squeezed. Between 16:08 and 17:00, § 87(2)(b) screams and tells the officers to stop squeezing her.

PO Adhikary and PO Gomez provided generally consistent accounts to the CCRB. While inside the stationhouse, PO Adhikary asked § 87(2)(b) for her pedigree information and she refused to answer. PO Adhikary and PO Gomez stayed with § 87(2)(b) in front of the desk to wait for a female officer to arrive and search § 87(2)(b) before lodging her in the holding cell.

In his CCRB statement, PO Adhikary stated that at some point while they were walking into the stationhouse, he briefly squeezed § 87(2)(b) handcuffs to check if they were double locked and it did not move, thus confirming they were double locked (Board Review 03). At some point while still in front of the desk, § 87(2)(b) complained that her handcuffs were being squeezed, but PO Adhikary denied squeezing § 87(2)(b) handcuffs in front of the desk and did not see PO Gomez doing so.

During his CCRB interview, PO Gomez explained that when someone is placed in handcuffs, officers double lock the handcuffs so that the handcuffs could not tighten when the handcuffed individual move their hands. Officers confirm that it is double locked by moving it and if they hear a “click” sound then it is not double locked (Board Review 02). PO Gomez denied squeezing § 87(2)(b) handcuffs and he never checked to see if they were double locked. While at the stationhouse, PO Gomez did not see PO Adhikary squeeze § 87(2)(b) handcuffs. Inside the stationhouse, § 87(2)(b) grew angry, screamed, and said that PO Gomez was tightening her handcuffs. PO Gomez was holding her right wrist and handcuff at that point. PO Gomez denied squeezing her wrist. At this point, PO Adhikary was standing on § 87(2)(b) left side and held her left wrist and handcuff.

§ 87(2)(g)

Allegation (C) Force: Police Officer Sean Crowley pointed his gun at § 87(2)(b)

In her CCRB statement, § 87(2)(b) stated that when she was struggling with the officers in front of the desk, an officer (identified via the investigation as PO Crowley) retrieved PO Adhikary’s firearm and pointed it “kind of” towards § 87(2)(b) but “kind of down” (Board Review 01). PO Crowley then backed up, extended his arm, and raised PO Adhikary’s firearm at a 45-degree angle from the floor. § 87(2)(b) was then brought into the holding cells.

In his CCRB interview, PO Adhikary stated that after they were instructed to take § 87(2)(b) to the holding cell, PO Crowley took his firearm because firearms are not permitted inside (Board Review 03). PO Adhikary was aware that PO Crowley did this during the incident and stated that PO Crowley held his firearm in a safe manner.

Starting at 16:49 of PO Adhikary’s BWC, PO Adhikary and PO Gomez are holding § 87(2)(b) as they begin to move to the left side of the screen (Board Review 04). At 16:56, PO Crowley takes PO Adhikary’s firearm from his waistband and holds it by the barrel while pointing it down to the ground. PO Crowley then gives the gun to someone behind the desk. At no point does PO Crowley point the firearm at § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Abuse of Authority: Officers took photographs/recordings of § 87(2)(b)

§ 87(2)(b) stated that she believed a few officers took photographs of her because they had their phones out, but they did not say or do anything else (Board Review 01). § 87(2)(b) recalled one officer with his phone up to his chest level while other officers either had their phones by their waist or chest area.

Between 6:40 to 17:04, from § 87(2)(b) entering the stationhouse to officers bringing § 87(2)(b) to the holding cells, PO Adhikary's BWC did not capture an officer with their phone out or recording § 87(2)(b). Moreover, § 87(2)(b) never complained that officers were recording her. PO Adhikary's BWC showed the area in the stationhouse in front of the desk.

In their CCRB interview, PO Gomez and PO Adhikary stated that they did not see officers taking any videos or photos of § 87(2)(b) in front of the desk (Board Review 03 and 04).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 05).
- PO Adhikary has been a member of service for a year and has been a subject in one complaint and one allegation:
 - In case number 202104630, the investigation is still pending.
- PO Gomez has been a member of service for nine years and has been subject in one complaint and one allegation which was not substantiated.
 - § 87(2)(b)
- PO Crowley has been a member of service for three years and has been subject in one complaint and two allegations:
 - In case number 202000114, the investigation is still pending.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation
- As of June 21, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 07).
- § 87(2)(b)

Squad: 8

Investigator: Patrick Yu SI Patrick Yu 08/13/2021
Signature Print Title & Name Date

Squad Leader: Ethan De Angelo IM Ethan De Angelo 8/16/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date